

ADE DAILY NEWS CLIPS

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Suit faults district on choice-law exemption (Arkansas Democrat-Gazette)

A group of parents and grandparents filed a federal lawsuit against the Blytheville School District on Monday, claiming it illegally and unconstitutionally denied their children and grandchildren transfers under the Arkansas Public School Choice Act of 2013, the state's broadest school-transfer law.

That law - created to replace a similar 1989 statute deemed unconstitutional by a federal court last year - allows students to transfer out of their residential school districts with few limitations. Those limitations include a provision that exempts districts from allowing the transfers if they are "subject to the desegregation order or mandate of a federal court or agency remedying the effects of past racial segregation."

The exemption claimed by the 2, 500-student Blytheville School District is invalid because it was filed with the Arkansas Department of Education after the April 1 deadline included in the law and because its School Board cited irrelevant and outdated legal cases when it approved plans to opt out, wrote Little Rock attorney Jess Askew III, an attorney for the plaintiffs.

The Blytheville district "has taken its actions in opposition to the school choice program under the Act because it disagrees with and disputes the purposes and policies underlying the Act and seeks to intimidate parents and citizens and deprive them from exercising their rights under the Act," the lawsuit said.

Blytheville School District officials did not return calls seeking comment Monday.

Askew previously led a court challenge to the Arkansas Public School Choice Act of 1989 on behalf of a group of Malvern parents. A federal judge struck down that law in June 2012 after deeming unconstitutional a racial restriction that barred transfers if the percentage of enrollment for the student's race in the new district exceeded that percentage in the student's resident district.

Appeals of that decision are pending at the 8th U.S. Circuit Court of Appeals in St. Louis.

State lawmakers replaced the 1989 law in the recent legislative session, eliminating the race restriction and replacing it with the rules for claiming district exemptions. Judges at the appeals court have requested briefs from attorneys in the case, asking if the appeal is now moot because the 1989 law has been repealed and replaced.

The Blytheville parents and grandparents filed their lawsuit on the same day the Arkansas Department of Education reported that 23 of the state's 239 school districts declared exemptions from the School

Choice Act of 2013 before its Friday deadline. The agency set that cutoff because the act's April 1 deadline had already passed by the time Gov. Mike Beebe had signed it into law April 16, Chief of Staff Phyllis Stewart said.

The agency had no comment about the Blytheville lawsuit, Stewart said.

Several attorneys and advocates for permissive school-transfer laws have said recently that parents might use that revised deadline - which is not included in the law - to challenge denied transfers in court or in appeals of the decisions.

Recognizing the timing issue, lawmakers could have included a special deadline for the 2013-14 school year in the bill, said Stephen Jones, an attorney for the North Little Rock School District, which chose not to claim an exemption from the law.

"If they had wanted to change the notification date for 2013-2014, they certainly could have done so, and they didn't," Jones said.

The timing question is a central part of the Blytheville complaint. The Blytheville School Board didn't vote to approve an exemption until April 29, after the statutory deadline, the complaint said.

Askew said in an interview Monday that he believes any exemption claimed for the 2013-14 school year after April 1 is invalid, which could lead to similar court challenges in other districts.

School systems that opted out of the transfer law include two of the state's largest, the Little Rock and Pulaski County Special school districts, which are both involved in a decades-long desegregation lawsuit and settlement along with the state, intervening groups of teachers and students, and the North Little Rock School District.

All Garland County school districts also notified the Education Department of their exemptions. A 1989 settlement agreement resulting from a countywide desegregation lawsuit included a stipulation requiring all seven districts to participate in the now-stricken 1989 law, leaving confusion about how to comply with the 2013 law, the Cutter Morning Star District wrote in a letter to the state Education Department.

"We fully recognize that this law has since been declared unconstitutional," Cutter Morning Star Superintendent Nancy Anderson wrote. "However, six of the seven school districts in the county are joining together to go back to the Federal Court for clarification on how we should proceed in this matter."

In addition to timing concerns, the Monday lawsuit said the Blytheville district did not cite a relevant legal case when it claimed its exemption and that it "is not subject to any enforceable desegregation order or desegregation plan within the meaning of the limitation."

An exemption resolution approved by the Blytheville School Board cited the landmark civil-rights case *Brown vs. Board of Education of Topeka, Kansas*, a 1969 mandate from the federal department of

Health, Education and Welfare, and a 1970s desegregation case that required Blytheville to integrate its “racially dual school system.” That case was dismissed, the complaint said.

“Blytheville School District cannot use its past racial segregation as a reason to deny plaintiffs and their children the benefits of the education-reform measures established in 2013 by the Arkansas General Assembly in the Act,” the lawsuit said.

An Education Department attorney said the districts that claimed an exemption are: Arkadelphia, Blytheville, Camden Fairview, Cutter Morning Star, Dollarway, El Dorado, Forrest City, Fountain Lake, Helena-West Helena, Hope, Hot Springs, Jessieville, Junction City, Lake Hamilton, Lakeside in Hot Springs, Lakeside in Lake Village, Little Rock, Marvell-Elaine, Mountain Pine, Pulaski County Special, South Conway, Stephens and Texarkana.

Academic Signing honors 81 (Arkansas Democrat-Gazette)

Top-achievers in the Little Rock School District’s Class of 2013 aspire to careers in art, architecture, medicine, engineering, law, politics, finance, music, teaching and journalism.

And while many will seek degrees in those fields at Arkansas’ colleges and universities, others will travel to Tampa, Chicago, Los Angeles, Charlottesville, Va., and Middlebury, Vt. - and even to Chile and Scotland - in pursuit of their goals.

Stops in the U.S. Marine Corps, the Women’s National Basketball Association and the U.S. Olympic gymnastics team are on the career paths of a few others.

Eighty-one high-performing seniors who will graduate from the Little Rock district’s five high schools on different nights this week announced their college and university choices as well as their possible majors and career plans at a ceremony in their honor Monday in the Grand Hall at the Arkansas Governor’s Mansion.

The ninth annual Academic Signing Day, organized by the Little Rock School District and the Public Education Foundation of Little Rock, featured as speakers Gov. Mike Beebe and Georgia Mjartan, executive director of the Our House homeless shelter. The event mimics ceremonies in which athletes sign letters of intent to play collegiate sports.

The governor congratulated the scholars and urged them to push ahead with their college goals, both for their personal fulfillment and to help Arkansas “move the needle” in increasing the percentage of adults with bachelor’s degrees. The state ranks near the bottom in the nation in that category.

“Doing something that fulfills you and makes you want to get up in the morning is more important than money,” Beebe said, adding that college can help with that.

“A college education affords you options,” he said. “You aren’t stuck with one or two things you have to do - you have choices. You are finishing one part of your education - a part you have obviously done

extraordinarily well in - and continuing on the road with higher education to get that first degree and in many cases for many of you, degrees beyond that.”

The honored students Monday were those who earned at least a 4.0 grade point average, ranked among the top four in their class or had received earlier recognition from the National Merit, National Achievement or National Hispanic scholarship programs.

Among the honorees Monday was Central High student John Hamby, who will be reporting to basic training in preparation for a Marine Corps career as a mechanical engineer and a reconnaissance officer.

Katelyn Weber, a Hall High senior, has received a woman’s basketball scholarship to the University of South Florida at Tampa. She said she plans to major in biology, but her immediate post-collegiate goal is to play basketball in the WNBA or in Europe.

Daniel Irons, a Parkview Magnet High student, will study chemistry at the University of Arkansas at Fayetteville with plans to become a dentist.

Brittney Threatt, a senior at McClellan High, is planning to attend Rhodes College in Memphis and ultimately work as a Teach for America teacher in a low-income community and later as a college professor.

Central High senior Catherine Hagemeyer announced her receipt of a Rotary Scholarship to Chile and ultimately plans to earn a degree from the University of Arkansas at Fayetteville. Her classmate Jane Madden announced plans to study English at the University of St. Andrews in Scotland.

George Elrod, Central’s class president, will attend DePaul University in Chicago to study the history of art and architecture.

“The location is ideal,” Elrod said. “I’m really interested in the visual arts and the historical significance of pieces. Chicago is a great place for me to explore art.” He hopes to someday work in museums, possibly as a curator.

Andrew Wise, another Central senior, will attend the University of Louisiana at Lafayette to not only study computer science and video-game development, but also continue his training to be an Olympic trampolinist.

Justin Sims, a senior at J.A. Fair, is one of several of the Class of 2013 who is planning a career in medical professions. He’ll go to Arkansas State University at Jonesboro to study nursing.

“Nursing is a service where I can touch people’s lives,” Sims said. “And Arkansas State has one of the best nursing programs in the state, especially in trauma, which is what I want to specialize in.”

Imran Mumtaz, a Central senior, is going to Washington University in St. Louis, where he will study pre-medicine and economics. His father is a physician and his mother was a doctor.

"It's a family business," he said, adding that as he became older, he became more convinced that medicine was a way he could use his people skills. A visit to the Washington University business school introduced the possibility of another field of study.

"It's the same thing," Mumtaz said. "The people aspect really drove me to want to do that."

Mjartan told the students that the educations they acquire are theirs forever - but that is not enough.

"Just as your education is something that can never be taken from you, your impact and your service can never be taken from you," she said. All the accolades and scholarships "are meaningless unless you use them to create greater good in this world."

Mjartan, a former University of Arkansas at Little Rock Donaghey Scholar who went to graduate school at Harvard University, recalled her pride in her scholarly honors.

Now, however, those awards are packed away somewhere in her attic, she said. She is most proud of her work running the Our House homeless shelter, a place where she has been able to help people survive and families reconnect.

"I really ask you as you go off to college, as you work hard and study hard, I ask that you remember the gift you have been given - the education you have earned - and that you share it with others.

"I look forward to seeing your impact on the world," she said.

Education Department gives 3 more states waivers (Associated Press)

WASHINGTON (AP) - Three more states have received permission to ignore parts of the federal No Child Left Behind education law.

The Education Department on Monday said Alaska, Hawaii and West Virginia schools qualified for exemptions. The decision now has given 37 states and the District of Columbia the OK to come up short on requirements for all students performing at grade level in math and reading by 2014.

Education Secretary Arne (AR-nee) Duncan says the No Child Left Behind Law needs updates but Congress has not taken action. He says that without Congress' action, he needs to give states waivers to implement their own customized school improvement plans.

Eight states, the Bureau of Indian Education, Puerto Rico and a coalition of California districts are waiting to hear about their waiver requests.